

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAUREN OSWALD,	:	CIVIL ACTION
Plaintiff,	:	
	:	NO. 10-6093
v.	:	
	:	
HERBERT GIBBONS and CITY OF	:	
PHILADELPHIA,	:	
Defendants.	:	
	<u>ORDER</u>	

AND NOW, this 27th day of May, 2011, upon consideration of defendants' Motion to Dismiss Plaintiff's Amended Complaint (Document No. 7, filed January 6, 2011) and plaintiff's Opposition to Defendant's Motion to Dismiss (Document No. 9, filed January 20, 2011), for the reasons stated in the Memorandum dated May 27, 2011, **IT IS ORDERED** that defendants' Motion to Dismiss Plaintiff's Amended Complaint is **GRANTED IN PART AND DENIED IN PART** as follows:

1. Counts I and II of the Amended Complaint are, by agreement, **LIMITED** to Herbert Gibbons;
2. Defendants' Motion to Dismiss Count III of the Amended Complaint is **DENIED**;
3. Defendants' Motion to Dismiss Count IV of the Amended Complaint is **GRANTED** as to defendant Herbert Gibbons, and that Count is **DISMISSED** with prejudice as to defendant Herbert Gibbons;
4. Defendants' Motion to Dismiss Count IV of the Amended Complaint as to defendant City of Philadelphia is **DENIED** with respect to plaintiff's claim based on failure to provide timely and accurate court notices, and is **GRANTED** as to all other claims against the City of Philadelphia asserted in Count IV;

5. Defendants' Motion to Dismiss Count V of the Amended Complaint is **GRANTED**, and that Count is **DISMISSED** with prejudice;

6. Defendants' Motion to Dismiss is **DENIED** in all other respects.

It is **FURTHER ORDERED** that a scheduling conference will be conducted by the Court in due course.

BY THE COURT:

/s/ Jan E. DuBois

JAN E. DUBOIS, J.